

FEDERAL ELECTION COMMISSION
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Washington, D.C. 20463

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2000 MAY -2 P 12:42

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD REFERRAL: 99L-08
DATE ACTIVATED: 3/17/00

EXPIRATION OF STATUTE OF
LIMITATIONS: 10/15/2003
STAFF MEMBER Dawn Odrowski
Deborah Rice

SOURCE: INTERNALLY GENERATED

RESPONDENTS: People for Patty Murray - US Senate Campaign and
C. Brandon Hall, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(6)(A)

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on July 2, 1999. The basis for the referral is the failure of People for Patty Murray - US Senate Campaign and C. Brandon Hall, as treasurer ("Respondents"), to file or to timely file thirty-five 48-Hour notifications ("48 Hour Notices") for contributions totaling \$52,758.20. RAD also noted that its referral excluded an additional ten contributions totaling \$10,000 that were originally reported as received on October 30, 1998, in an untimely filed 48-Hour Notice, because Respondents' 30 Day Post-General Report reflected receipt dates of November 2, 1998, for these same contributions, a date that fell outside the 48-Hour Notice filing period.¹ Because

¹ The untimely filed 48-Hour Notice, filed November 18, 1998, also included some of the thirty-five contributions that RAD included in its referral. The November 18 Notice uniformly reported the receipt of all contributions listed therein as October 30, 1998, whereas the 30-Day Post-General Report reflected different receipt dates for some of these contributions. In the case of the contributions RAD included in its referral, either receipt date would have triggered the 48-Hour Notice requirement.

the actual receipt date of these ten contributions is in question, this Office is including them as a basis for the reason to believe recommendation. Thus, it appears that Respondents failed to file or to timely file forty-five 48-Hour Notices totaling \$62,758.20.

Attachments 6 and 7 of the RAD referral were inadvertently omitted in RAD's transmittal of this referral to OGC, and therefore were not circulated to the Commission. For the Commission's convenience, Attachments 6 and 7 of RAD's referral are attached to this Report as Attachment 1.

Patty Murray won the 1998 General Election for the U.S. Senate in the State of Washington receiving fifty-eight point three percent (58.3%) of the vote.

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 2, this Office recommends the Commission find reason to believe the Respondents violated 2 U.S.C. § 434(a)(6)(A).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

In addition to the reason to believe recommendation, this Office recommends that the Commission offer to enter into conciliation with the Respondents prior to a finding of probable cause to believe. Attached for the Commission's approval is a proposed conciliation agreement

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that People for Patty Murray - U.S. Senate Campaign and C. Brandon Hall, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis, proposed conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

Date

5/1/00

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

1. Attachments 6 and 7 of RAD's referral
2. Factual and Legal Analysis
3. Proposed Conciliation Agreement



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Red*
DATE: May 2, 2000
SUBJECT: 99L-08-First General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

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